

11-08-04

PTO/SB/30 (5/2000)

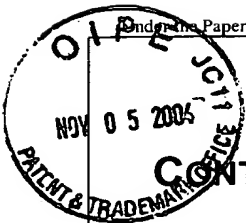
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U.S. Patent and Trademark office: U.S. DEPARTMENT OF COMMERCE

1647

RCE

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## REQUEST

FOR

CONTINUED EXAMINATION (RCE)  
TRANSMITTAL

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/902,615
Filing Date	July 10, 2001
First Named Inventor	Ashkenazi, et al.
Group Art Unit	1647
Examiner Name	Spector, Lorraine
Attorney Docket Number	39780-1618P2C28

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. §1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment
- ii. ☒ Declaration(s) — Sherman Fong, Ph.D. w/Exhibits A-I
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

## 3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39780-1618P2C28 )
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) — \$790.00
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) — \$2,080.00 = 5-month EOT
- iii. ☐ Other
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	DAPHNE REDDY	Registration No. (Attorney/Agent)	53,507
Signature	Daphne Reddy	Date	NOVEMBER 5, 2004

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop \_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: November 5, 2004

Name (Print/Type)	Cheryl Rogers	Date:	NOVEMBER 5, 2004
Signature	Cheryl Rogers	Express Mail Label:	EV 346 725 225 US

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop \_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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-01 FC:1801

02 FC:1255

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Avi ASHKENAZI, et al.

Application Serial No. 09/902,615

Filed: July 10, 2001

For: **ANTIBODIES TO PRO326  
POLYPEPTIDES**

) Examiner: Spector, Lorraine

) Art Unit: 1647

) Confirmation No. 9850

) Attorney's Docket No. 39780-1618 P2C28

) Customer No. 35489

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**Date Mailed: November 5, 2004**

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**

**MS: RCE**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

This Preliminary amendment accompanies a Request for Continued Examination under 37 CFR § 1.114 for the above identified application. A Notice of Appeal was filed April 5, 2004 in this case. This RCE filing and Preliminary amendment are being timely filed concurrent with a Petition for Extension of Time for five months to maintain co-pendency of this application. Accompanying this filing is a Declaration by Sherman Fong, Ph.D., with exhibits A-I and a copy of his curriculum vitae. Entry of these amendments and declaration are respectfully requested.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.